



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB1651

Introduced 2/5/2025, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

5 ILCS 70/1.42

405 ILCS 5/1-106

405 ILCS 80/2-3

from Ch. 91 1/2, par. 1-106

from Ch. 91 1/2, par. 1802-3

Amends the Mental Health and Developmental Disabilities Code. Expands the definition of "developmental disability" to include a disability attributable to Prader-Willi syndrome. Amends the Developmental Disability and Mental Disability Services Act. Expands the definition of "severe and multiple impairments" to include a substantial disability attributable to Prader-Willi syndrome. Exempts persons diagnosed with Prader-Willi syndrome from any assessment or evaluation to measure cognitive functioning or IQ for purposes of making determinations on whether such persons have severe and multiple impairments eligible for home and community-based services for persons with developmental disabilities. Amends the Statute on Statutes. Provides that, except where the context indicates otherwise: (i) in any rule, contract, or other document the term "developmental disability" shall include a disability attributable to Prader-Willi syndrome; and (ii) whenever there is a reference in any Act to "development disability" the term shall be construed to include a disability attributable to Prader-Willi syndrome.

LRB104 08924 KTG 18979 b

1 AN ACT concerning mental health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Statute on Statutes is amended by changing  
5 Section 1.42 as follows:

6 (5 ILCS 70/1.42)

7 Sec. 1.42. Developmental disability.

8 (a) Except where the context indicates otherwise, in any  
9 rule, contract, or other document a reference to a  
10 developmentally disabled person or a similar reference shall  
11 be considered a reference to a person with a developmental  
12 disability and a reference to the developmentally disabled or  
13 a similar reference shall be considered a reference to persons  
14 with developmental disabilities.

15 (b) Except where the context indicates otherwise, in any  
16 rule, contract, or other document the term "developmental  
17 disability" shall include a disability attributable to  
18 Prader-Willi syndrome.

19 (c) Except where the context indicates otherwise, whenever  
20 there is a reference in any Act to "development disability"  
21 this term shall be construed to include a disability  
22 attributable to Prader-Willi syndrome.

23 (d) The use of either "developmentally disabled" or

1 "developmental disability" or "the developmentally disabled"  
2 or "persons with developmental disabilities" shall not  
3 invalidate any rule, contract, or other document.

4 (Source: P.A. 99-143, eff. 7-27-15.)

5 Section 10. The Mental Health and Developmental  
6 Disabilities Code is amended by changing Section 1-106 as  
7 follows:

8 (405 ILCS 5/1-106) (from Ch. 91 1/2, par. 1-106)

9 Sec. 1-106. "Developmental disability" means a severe,  
10 chronic disability, other than mental illness, found to be  
11 closely related to an intellectual disability because this  
12 condition results in impairment of general intellectual  
13 functioning or adaptive behavior similar to that of persons  
14 with ID, and requires services similar to those required for a  
15 person with an intellectual disability. In addition, a  
16 developmental disability: (1) is manifested before the  
17 individual reaches 22 years of age; (2) is likely to continue  
18 indefinitely; (3) results in substantial functional  
19 limitations in three or more of the following areas of major  
20 life activity: self-care, receptive and expressive language,  
21 learning, mobility, self-direction, capacity for independent  
22 living, or economic self-sufficiency; and (4) reflects the  
23 individual's need for a combination and sequence of special  
24 interdisciplinary or generic services, individualized

1 supports, or other forms of assistance that are of lifelong or  
2 extended duration and are individually planned and  
3 coordinated. "Developmental disability" includes a disability  
4 attributable to Prader-Willi syndrome. This definition does  
5 not supersede the "developmental disability" definition in  
6 Section 1.1 of the Firearm Owners Identification Card Act  
7 which is required to be applied under that Act for the purpose  
8 of mandatory reporting.

9 (Source: P.A. 102-972, eff. 1-1-23.)

10 Section 15. The Developmental Disability and Mental  
11 Disability Services Act is amended by changing Section 2-3 as  
12 follows:

13 (405 ILCS 80/2-3) (from Ch. 91 1/2, par. 1802-3)

14 Sec. 2-3. As used in this Article, unless the context  
15 requires otherwise:

16 (a) "Agency" means an agency or entity licensed by the  
17 Department pursuant to this Article or pursuant to the  
18 Community Residential Alternatives Licensing Act.

19 (b) "Department" means the Department of Human Services,  
20 as successor to the Department of Mental Health and  
21 Developmental Disabilities.

22 (c) "Home-based services" means services provided to an  
23 adult with a mental disability who lives in his or her own  
24 home. These services include but are not limited to:

- 1 (1) home health services;
- 2 (2) case management;
- 3 (3) crisis management;
- 4 (4) training and assistance in self-care;
- 5 (5) personal care services;
- 6 (6) habilitation and rehabilitation services;
- 7 (7) employment-related services;
- 8 (8) respite care; and
- 9 (9) other skill training that enables a person to
- 10 become self-supporting.

11 (d) "Legal guardian" means a person appointed by a court  
12 of competent jurisdiction to exercise certain powers on behalf  
13 of an adult with a mental disability.

14 (e) "Adult with a mental disability" means a person over  
15 the age of 18 years who lives in his or her own home; who needs  
16 home-based services, but does not require 24-hour-a-day  
17 supervision; and who has one of the following conditions:  
18 severe autism, severe mental illness, a severe or profound  
19 intellectual disability, or severe and multiple impairments.

20 (f) In one's "own home" means that an adult with a mental  
21 disability lives alone; or that an adult with a mental  
22 disability is in full-time residence with his or her parents,  
23 legal guardian, or other relatives; or that an adult with a  
24 mental disability is in full-time residence in a setting not  
25 subject to licensure under the Nursing Home Care Act, the  
26 Specialized Mental Health Rehabilitation Act of 2013, the

1 ID/DD Community Care Act, the MC/DD Act, or the Child Care Act  
2 of 1969, as now or hereafter amended, with 3 or fewer other  
3 adults unrelated to the adult with a mental disability who do  
4 not provide home-based services to the adult with a mental  
5 disability.

6 (g) "Parent" means the biological or adoptive parent of an  
7 adult with a mental disability, or a person licensed as a  
8 foster parent under the laws of this State who acts as a foster  
9 parent to an adult with a mental disability.

10 (h) "Relative" means any of the following relationships by  
11 blood, marriage or adoption: parent, son, daughter, brother,  
12 sister, grandparent, uncle, aunt, nephew, niece, great  
13 grandparent, great uncle, great aunt, stepbrother, stepsister,  
14 stepson, stepdaughter, stepparent or first cousin.

15 (i) "Severe autism" means a lifelong developmental  
16 disability which is typically manifested before 30 months of  
17 age and is characterized by severe disturbances in reciprocal  
18 social interactions; verbal and nonverbal communication and  
19 imaginative activity; and repertoire of activities and  
20 interests. A person shall be determined severely autistic, for  
21 purposes of this Article, if both of the following are  
22 present:

23 (1) Diagnosis consistent with the criteria for  
24 autistic disorder in the current edition of the Diagnostic  
25 and Statistical Manual of Mental Disorders.

26 (2) Severe disturbances in reciprocal social

1 interactions; verbal and nonverbal communication and  
2 imaginative activity; repertoire of activities and  
3 interests. A determination of severe autism shall be based  
4 upon a comprehensive, documented assessment with an  
5 evaluation by a licensed clinical psychologist or  
6 psychiatrist. A determination of severe autism shall not  
7 be based solely on behaviors relating to environmental,  
8 cultural or economic differences.

9 (j) "Severe mental illness" means the manifestation of all  
10 of the following characteristics:

11 (1) A primary diagnosis of one of the major mental  
12 disorders in the current edition of the Diagnostic and  
13 Statistical Manual of Mental Disorders listed below:

- 14 (A) Schizophrenia disorder.  
15 (B) Delusional disorder.  
16 (C) Schizo-affective disorder.  
17 (D) Bipolar affective disorder.  
18 (E) Atypical psychosis.  
19 (F) Major depression, recurrent.

20 (2) The individual's mental illness must substantially  
21 impair his or her functioning in at least 2 of the  
22 following areas:

- 23 (A) Self-maintenance.  
24 (B) Social functioning.  
25 (C) Activities of community living.  
26 (D) Work skills.

1           (3) Disability must be present or expected to be  
2           present for at least one year.

3           A determination of severe mental illness shall be based  
4           upon a comprehensive, documented assessment with an evaluation  
5           by a licensed clinical psychologist or psychiatrist, and shall  
6           not be based solely on behaviors relating to environmental,  
7           cultural or economic differences.

8           (k) "Severe or profound intellectual disability" means a  
9           manifestation of all of the following characteristics:

10           (1) A diagnosis which meets Classification in Mental  
11           Retardation or criteria in the current edition of the  
12           Diagnostic and Statistical Manual of Mental Disorders for  
13           severe or profound mental retardation (an IQ of 40 or  
14           below). This must be measured by a standardized instrument  
15           for general intellectual functioning.

16           (2) A severe or profound level of disturbed adaptive  
17           behavior. This must be measured by a standardized adaptive  
18           behavior scale or informal appraisal by the professional  
19           in keeping with illustrations in Classification in Mental  
20           Retardation, 1983.

21           (3) Disability diagnosed before age of 18.

22           A determination of a severe or profound intellectual  
23           disability shall be based upon a comprehensive, documented  
24           assessment with an evaluation by a licensed clinical  
25           psychologist or certified school psychologist or a  
26           psychiatrist, and shall not be based solely on behaviors

1 relating to environmental, cultural or economic differences.

2 (1) "Severe and multiple impairments" means the  
3 manifestation of all of the following characteristics:

4 (1) The evaluation determines the presence of a  
5 developmental disability which is expected to continue  
6 indefinitely, constitutes a substantial disability and is  
7 attributable to any of the following:

8 (A) Intellectual disability as defined in Section  
9 1-116 of the Mental Health and Developmental  
10 Disabilities Code.

11 (B) Cerebral palsy.

12 (C) Epilepsy.

13 (D) Autism.

14 (E) Prader-Willi syndrome.

15 (F) ~~(E)~~ Any other condition which results in  
16 impairment similar to that caused by an intellectual  
17 disability and which requires services similar to  
18 those required by persons with intellectual  
19 disabilities.

20 (2) Except as otherwise provided for persons diagnosed  
21 with Prader-Willi syndrome, the ~~The~~ evaluation determines  
22 multiple disabilities in physical, sensory, behavioral or  
23 cognitive functioning which constitute a severe or  
24 profound impairment attributable to one or more of the  
25 following:

26 (A) Physical functioning, which severely impairs

1 the individual's motor performance that may be due to:

2 (i) Neurological, psychological or physical  
3 involvement resulting in a variety of disabling  
4 conditions such as hemiplegia, quadriplegia or  
5 ataxia,

6 (ii) Severe organ systems involvement such as  
7 congenital heart defect,

8 (iii) Physical abnormalities resulting in the  
9 individual being non-mobile and non-ambulatory or  
10 confined to bed and receiving assistance in  
11 transferring, or

12 (iv) The need for regular medical or nursing  
13 supervision such as gastrostomy care and feeding.

14 Assessment of physical functioning must be based  
15 on clinical medical assessment by a physician licensed  
16 to practice medicine in all its branches, using the  
17 appropriate instruments, techniques and standards of  
18 measurement required by the professional.

19 (B) Sensory, which involves severe restriction due  
20 to hearing or visual impairment limiting the  
21 individual's movement and creating dependence in  
22 completing most daily activities. Hearing impairment  
23 is defined as a loss of 70 decibels aided or speech  
24 discrimination of less than 50% aided. Visual  
25 impairment is defined as 20/200 corrected in the  
26 better eye or a visual field of 20 degrees or less.

1           Sensory functioning must be based on clinical medical  
2           assessment by a physician licensed to practice  
3           medicine in all its branches using the appropriate  
4           instruments, techniques and standards of measurement  
5           required by the professional.

6           (C) Behavioral, which involves behavior that is  
7           maladaptive and presents a danger to self or others,  
8           is destructive to property by deliberately breaking,  
9           destroying or defacing objects, is disruptive by  
10          fighting, or has other socially offensive behaviors in  
11          sufficient frequency or severity to seriously limit  
12          social integration. Assessment of behavioral  
13          functioning may be measured by a standardized scale or  
14          informal appraisal by a clinical psychologist or  
15          psychiatrist.

16          (D) Cognitive, which involves intellectual  
17          functioning at a measured IQ of 70 or below.  
18          Assessment of cognitive functioning must be measured  
19          by a standardized instrument for general intelligence.  
20          Persons diagnosed with Prader-Willi syndrome are  
21          exempt from any assessment or evaluation to measure  
22          cognitive functioning or IQ for purposes of making a  
23          determination of severe and multiple impairments.

24          (3) Except as otherwise provided for persons diagnosed  
25          with Prader-Willi syndrome, the ~~The~~ evaluation determines  
26          that development is substantially less than expected for

1 the age in cognitive, affective or psychomotor behavior as  
2 follows:

3 (A) Cognitive, which involves intellectual  
4 functioning at a measured IQ of 70 or below.  
5 Assessment of cognitive functioning must be measured  
6 by a standardized instrument for general intelligence.  
7 Persons diagnosed with Prader-Willi syndrome are  
8 exempt from any assessment or evaluation to measure  
9 cognitive functioning or IQ for purposes of making a  
10 determination on whether such persons have severe and  
11 multiple impairments.

12 (B) Affective behavior, which involves over and  
13 under responding to stimuli in the environment and may  
14 be observed in mood, attention to awareness, or in  
15 behaviors such as euphoria, anger or sadness that  
16 seriously limit integration into society. Affective  
17 behavior must be based on clinical assessment using  
18 the appropriate instruments, techniques and standards  
19 of measurement required by the professional.

20 (C) Psychomotor, which includes a severe  
21 developmental delay in fine or gross motor skills so  
22 that development in self-care, social interaction,  
23 communication or physical activity will be greatly  
24 delayed or restricted.

25 (4) A determination that the disability originated  
26 before the age of 18 years.

1           A determination of severe and multiple impairments shall  
2 be based upon a comprehensive, documented assessment with an  
3 evaluation by a licensed clinical psychologist or  
4 psychiatrist. Persons diagnosed with Prader-Willi syndrome are  
5 exempt from any assessment or evaluation to measure cognitive  
6 functioning or IQ for purposes of making determinations on  
7 whether such persons have severe and multiple impairments  
8 eligible for home and community-based services.

9  
10          If the examiner is a licensed clinical psychologist,  
11 ancillary evaluation of physical impairment, cerebral palsy or  
12 epilepsy must be made by a physician licensed to practice  
13 medicine in all its branches.

14          Regardless of the discipline of the examiner, ancillary  
15 evaluation of visual impairment must be made by an  
16 ophthalmologist or a licensed optometrist.

17          Regardless of the discipline of the examiner, ancillary  
18 evaluation of hearing impairment must be made by an  
19 otolaryngologist or an audiologist with a certificate of  
20 clinical competency.

21          The only exception to the above is in the case of a person  
22 with cerebral palsy or epilepsy who, according to the  
23 eligibility criteria listed below, has multiple impairments  
24 which are only physical and sensory. In such a case, a  
25 physician licensed to practice medicine in all its branches  
26 may serve as the examiner.

1           (m)       "Twenty-four-hour-a-day       supervision"       means  
2       24-hour-a-day care by a trained mental health or developmental  
3       disability professional on an ongoing basis.  
4       (Source: P.A. 102-972, eff. 1-1-23.)